IN THE HIGH COURT OF BOMBAY AT GOA

WRIT **PETITION NO.341 OF 2003**

Surya Datta Gaude @ Khandolkar,
aged about 52 years, married,
business, r/o Tamsuliwada,
Candola, Ponda-Goa ... PETITIONER

VERSUS

Shri Shantadurga Devashtan
Candola, a religious body
duly registered under Mazania
Act with office at Shantadurga
Develay, Cancola Goa and
represented by its president
Shri Pratap Krishna Haldankar,
aged 36 years, married, business,
r/o H.No.199, Haldanwada,
Candola, Ponda.Goa ... RESPONDENT.

Mr. N.K. Sawaikar, Advocate for the Petitioner.

CORAM : F.I. REBELLO,J.

DATED : JULY 17, 2003.

ORAL JUDGMENT

Rule.

2. Notice to the Respondents is dispensed with considering that before the Trial Court itself the Respondents had given their no objection for taking written statement on record. The learned Trial Court has proceeded on the footing that the proviso to Order VIII, Rule 1 C.P.C. would bar the taking of written statement on record though the Respondents herein had given their No Objection. It is not necessary to go into the issue as to whether the issue of the requirements of Order VIII, Rule 1

C.P.C. are mandatory or directory considering that the Respondents had given their No Objection. It would be within the jurisdiction of this Court to exercise its inherent powers in the peculiar facts and circumstances of this case.

3. In the light of the above, Rule made absolute in terms of the prayer clause (a) and (b). The defendants are directed to file their written statement on the next date of hearing, which is 25th July, 2003.

P.A. to issue authenticated copy.

F.I. REBELLO,J.

ac.